



GAU 1653

Box Seq: #8

Docket No. NB 2004.02

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202.

[] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner _____ at Facsimile No. _____ at _____ a.m./p.m.

Dated: May 31, 2002

Name of Person Certifying: Peggy Nichols

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Michael Shepard, et al.

Assignee: NewBiotics, Inc.

Filing Date: February 12, 2001

Examiner: Unassigned

Serial No.: 09/782,721

Group Art Unit: 1653

Title: Enzyme Catalyzed Therapeutic Agents

**SEQUENCE LISTING AND STATEMENT REGARDING SEQUENCE LISTING
UNDER 37 C.F.R. §§ 1.821-1.825**

U.S. Patent and Trademark Office
BOX SEQUENCE
P.O. Box 2327
Arlington, VA 22202

Sir:

Enclosed herewith is a paper copy and electronic copy of the sequence listing for the amino acid and/or nucleotide sequences disclosed in the above-referenced application. The paper copy of the sequence listing is supported by the specification as filed and, therefore, does not include any new matter. The enclosed paper copy and electronic copy are the same.

DATE: May 31, 2002

Respectfully submitted,

By: Antoinette F. Konski

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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. §1.821-1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. §1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. The application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. §1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. §1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has not been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. §1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. A computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. §1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. §1.821(e).
- ☐ 7. Other: -[]-.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☒ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. §1.181(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules interpretation, call (703) 308-4216;
For CRF submission help, call (703) 308-4212;
For Patentin software help, call (703) 308-6856.

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

SN 09/782,721

COPY FOR ☒ File ☐ Applicant ☐ Return with Response

Attachment to P. N. 07